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8 UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 B.F. and A.A., minors, by and through their
12 guardian Joey Fields; W.B., A.L., K.S., and
13 A.S., minors, by and through their guardian
14 Mistie Burris; C.L., a minor, by and through her
15 guardian Melissa Lock; C.O., a minor, by and
16 through her guardian Alison Hall-O'Neil; W.R.
17 and L.R., minors, by and through their guardian
18 William Rowe; J.B and L.B., minors, by and
19 through their guardian Doug Boswell; E.J., a
20 minor, by and through her guardian Corey
21 Woodhouse; S.M. and C.M., minors, by and
22 through their guardian Matt McLaughlin; Z.S., a
23 minor, by and through his guardian Stephanie
24 Starling; E.B., F.B., S.B., and O.B., minors, by
25 and through their guardian Maria Prunier-
26 Brown; R.B., a minor, by and through his
27 guardian Angela Brine; N.S., a minor, by and
28 through his guardian Erin Shunn; individually
and on behalf of all others similarly situated,

Plaintiffs,

vs.

AMAZON.COM, INC., a Delaware
corporation, and A2Z DEVELOPMENT
CENTER, INC., a Delaware corporation,

Defendants.

Case No.: 2:19-cv-910

1 **FIRST AMENDED CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL**

2 Millions of Americans use Amazon's smart-speaker technology ("Alexa") in their
3 homes. People speak to Alexa-enabled devices such as the Echo or Echo Dot about everything
4 from the mundane ("Alexa, what's the weather?") to the deeply personal ("Alexa, what are the
5 symptoms of depression?").

6 Most people believe that when they speak to an Alexa-enabled device, it converts their
7 voice into a set of digital computer instructions. They expect that this digital query is sent over
8 the internet for processing, that a digital response is returned, and that the device then converts
9 the response into Alexa's voice. They do not expect that Alexa is creating and storing a
10 permanent recording of their voice. This expectation is reasonable; it would be easy for Alexa to
11 work this way, as numerous other voice-recognition technologies do.

12 But Alexa does something else. After Alexa processes a user's commands, Amazon
13 saves a permanent recording of the user's voice to its own servers. It then analyzes and uses
14 these voice recordings for its own commercial benefit. These uses include allowing workers
15 around the world to listen to the voice recordings and creating voiceprints of users, which can be
16 used to identify them when they speak to other devices in other locations. Amazon has thus
17 built a massive database of billions of voice recordings containing the private details of millions
18 of Americans.

19 Amazon purports to obtain consent to record individuals who set up an Alexa-enabled
20 device. But there is a large group of individuals who do not consent to be recorded when using
21 an Alexa-enabled device and who use Alexa without any understanding or warning that Amazon
22 is recording and voiceprinting them: children.

23 Alexa routinely records and voiceprints millions of children without their consent or the
24 consent of their parents. This practice violates the laws of Florida, Illinois, Michigan, Maryland,
25 Massachusetts, New Hampshire, Pennsylvania, and Washington, which prohibit the recording of
26 oral communications without the consent of all parties to the communication. These laws
27 recognize the unique privacy interest implicated by the recording of someone's voice. That
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1 privacy interest is all the more powerful in light of modern voiceprinting technology and the
2 potentially invasive uses of big data by a company the size of Amazon. It takes no great leap of
3 imagination to be concerned that Amazon is developing voiceprints for millions of children that
4 could allow the company (and potentially governments) to track a child's use of Alexa-enabled
5 devices in multiple locations and match those uses with a vast level of detail about the child's
6 life, ranging from private questions they have asked Alexa to the products they have used in
7 their home.

8 Plaintiffs, minors, by and through their guardians, bring this Class Action Complaint
9 against Defendants Amazon.com, Inc., and a2z Development Center, Inc. d/b/a Amazon Lab126
10 (collectively "Amazon" or "Defendants") to obtain redress for all Florida, Illinois,
11 Massachusetts, Maryland, Michigan, New Hampshire, Pennsylvania, and Washington minors
12 who have used Alexa in their homes and have therefore been recorded by Amazon, without
13 consent. Plaintiffs allege as follows as to themselves, upon personal knowledge of their own
14 acts and experiences, and as to all other matters, upon information and belief, including
15 investigation conducted by their attorneys:

16 **PARTIES**

17 1. Plaintiffs B.F. and A.A., and their parent and guardian Joey Fields, are natural
18 persons and citizens of the State of Florida.

19 2. Plaintiffs W.B., A.L., K.S., A.S., and their parent and guardian Mistie Burris, are
20 natural persons and citizens of the State of Florida.

21 3. Plaintiff C.L. and her parent and guardian Melissa Lock are natural persons and
22 citizens of the State of Illinois.

23 4. Plaintiff C.O. and her parent and guardian Alison Hall-O'Neil are natural persons
24 and citizens of the Commonwealth of Massachusetts.

25 5. Plaintiffs W.R. and L.R., and their parent and guardian William Rowe, are natural
26 persons and citizens of the Commonwealth of Massachusetts.

6. Plaintiffs J.B. and L.B., and their parent and guardian Doug Boswell, are natural persons and citizens of the State of Maryland.

7. Plaintiff E.J. and her parent and guardian Corey Woodhouse are natural persons and citizens of the State of Michigan.

8. Plaintiffs S.M. and C.M., and their parent and guardian Matt McLaughlin, are natural persons and citizens of the State of Michigan.

9. Plaintiff Z.S. and his parent and guardian Stephanie Starling are natural persons and citizens of the State of Michigan.

10. Plaintiffs E.B., F.B., S.B., and O.B, and their parent and guardian Maria Prunier-Brown, are natural persons and citizens of the State of New Hampshire.

11. Plaintiff R.B. and her parent and guardian Angela Brine are natural persons and citizens of the Commonwealth of Pennsylvania.

12. Plaintiff N.S. and his parent and guardian Erin Shunn are natural persons and citizens of the State of Washington.

13. Defendant Amazon.com, Inc. is a Delaware corporation with its headquarters and principal place of business at 410 Terry Avenue North, Seattle, Washington.

14. Defendant a2z Development Center, Inc., d/b/a Amazon Lab126, is a Delaware corporation with its headquarters and principal place of business located at 1120 Enterprise Way, Sunnyvale, California. Amazon Lab126 is a subsidiary of Amazon.com, Inc.

JURISDICTION AND VENUE

15. This Court has subject-matter jurisdiction over this dispute under 28 U.S.C. § 1332(d) because the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and because at least one member of each class is a citizen of a different state than at least one Defendant.

16. This Court has personal jurisdiction over Defendants because a substantial part of the, harm, events, and conduct giving rise to Plaintiffs' claims occurred in Washington, and Defendant Amazon.com, Inc. is headquartered in Washington.

1 now allows manufacturers to offer devices with Alexa “built-in,” essentially allowing other
2 speakers and devices to offer much of the functionality of an Echo or Echo Dot³ (collectively, all
3 devices featuring Alexa integration or functionality are referred to herein as “Alexa Devices”).⁴

4 21. As of October 2018, Amazon had sold approximately 47 million Echo devices.⁵
5 In January 2019, Amazon reported that over 100 million total devices had been sold with Alexa
6 pre-installed.⁶

7 22. In the years since the Echo launched, Amazon Lab126 has continued to develop
8 Alexa software updates, and has played an integral role in the development of new Alexa
9 Devices.⁷

10 23. Alexa is a natural-language processing system. Alexa “listens” to people’s verbal
11 communications and responds to those communications in a simulated human voice. People
12 most frequently interact with Alexa in their homes.

13 24. Using Alexa on an Alexa Device, whether an Amazon device such as an Echo, or
14 a third-party device like a Sonos One speaker, is relatively simple. Once an individual has an
15 Alexa Device, the person needs two more things: a WiFi Internet connection, and the Alexa
16 mobile application (the “Alexa App”) installed on his or her smartphone or tablet.

18 ³ Alistair Charleton, *Which Cars Have Amazon Alexa Integration?*, Gearbrain (April 29, 2019),
19 <https://www.gearbrain.com/which-cars-have-amazon-alexa-2525958778.html> (last visited July 5, 2019); James
20 Stables, *The Best Amazon Alexa Built-In Speakers*, The Ambient (Apr. 8, 2019), <https://www.the-ambient.com/guides/best-alexa-built-in-speakers-1196> (last visited July 5, 2019); Dana Kerr and Ben Rubin, *Alexa is Coming to Sony Smart TVs*, CNET (Sept. 20, 2018, 11:27 a.m. EST), <https://www.cnet.com/news/alexa-is-coming-to-tvs-well-at-least-sony-smart-tvs/> (last visited July 5, 2019); Jonathan Vanian, *Amazon Alexa is Now Available on HP, Acer, and Asus Computers*, Fortune (Jan. 8, 2018), <http://fortune.com/2018/01/08/amazon-alexa-hp-acer-asus/> (last visited July 5, 2019).

22 ⁴ For purposes of this Complaint, the term “Alexa Devices” specifically excludes the Amazon Echo Dot Kids
23 Edition.

24 ⁵ Brian Dumaine, *It Might Get Loud: Inside Silicon Valley’s Battle to Own Voice Tech*, Fortune (Oct. 24, 2018),
25 <http://fortune.com/longform/amazon-google-apple-voice-recognition/> (last visited July 5, 2019).

26 ⁶ Lucase Matney, *More Than 100 Million Alexa Devices Have Been Sold*, Tech Crunch (Jan. 4, 2019)
<https://techcrunch.com/2019/01/04/more-than-100-million-alexa-devices-have-been-sold/> (last visited July 5, 2019).

27 ⁷ Ry Crist, *Behind the scenes at Alexa’s laboratory*, CNet (Apr. 23, 2018), <https://www.cnet.com/news/behind-the-scenes-at-amazon-alexa-laboratory-lab126/> (last visited July 5, 2019).

1 25. To use the Alexa App, the individual must have an account with Amazon. The
2 individual must then follow the set-up process on the Alexa Device, which eventually includes
3 pairing the Alexa Device with the Alexa App. For third-party Alexa Devices, the device itself
4 will function even without being paired to the Alexa App, but the Alexa functionality will be
5 disabled.

6 26. Once the individual has paired the Alexa Device to the Alexa App, the Alexa
7 Device is ready for use by anyone, including people who have not set up the Alexa App or
8 consented to being recorded.

9 27. Alexa Devices are designed to record and respond to communications
10 immediately after an individual says a wake word (typically “Alexa” or “Echo”).⁸ Alexa
11 Devices accomplish this by storing a second or two of audio in short-term, random-access
12 memory (RAM), analyzing that temporary audio recording for the presence of a wake word, and
13 then overwriting it if the wake word is not recognized. As a result, no permanent recording is
14 supposed to be made if the wake word is not recognized.⁹

15 28. If the wake word is recognized, the Alexa Device records the ensuing
16 communication and—unlike some other smart devices—transmits the recording to Amazon’s
17 servers for interpretation and processing before receiving the relevant data back in response.

18 29. Once Alexa has responded to a recording sent by an Alexa Device, Amazon
19 indefinitely stores a copy of that recording on its own servers for later use and analysis.

20 30. Amazon uses machine learning to leverage the massive amount of data collected
21 by Alexa Devices—including these permanent voice recordings—to constantly refine the natural
22 language understanding underlying Alexa’s functionality. Many recordings are individually
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25 ⁸ Matt Day, Giles Turner, and Natalia Drozdak, *Amazon Workers Are Listening to What You Tell Alexa*, Bloomberg
26 (Apr. 10, 2019, 5:34 p.m. CDT), <https://www.bloomberg.com/news/articles/2019-04-10/is-anyone-listening-to-you-on-alexa-a-global-team-reviews-audio> (last visited July 5, 2019).

27 ⁹ Recent news reports, however, have revealed that Alexa devices regularly “inadvertently” record conversations
28 without prompting by a wake word. *See id.*

1 reviewed by Amazon employees and part-time contractors in locations as far flung as Costa
2 Rica, India, and Romania.¹⁰

3 31. However, Amazon need not permanently store the audio recordings in order for
4 Alexa Devices to function. Although it would not be as cost-effective or commercially
5 advantageous to Amazon, Alexa Devices could process audio interactions locally on the device
6 and send only a digital query, rather than a voice recording, to Amazon's servers. Indeed,
7 Amazon developed a "Local Voice Control" feature for Alexa Devices that allows individuals
8 "to fulfill a limited set of requests on select [Alexa] devices when the device is not connected to
9 the internet, such as requests to control supported lights, plugs, and switches."¹¹

10 32. Amazon could also upload audio recordings to short-term memory in the cloud
11 and immediately overwrite those recordings after processing, much like Alexa constantly
12 overwrites the audio it captures prior to a user saying a wake word. If Amazon did that, it would
13 never possess a permanent recording of any user's communications.

14 33. Many similar "smart speaker" devices are less intrusive than Amazon's Alexa
15 Devices. Apple's natural-language processing system, "Siri," records communications in a
16 similar manner to Alexa, and sends those recordings to Apple's servers.¹² However, Apple
17 stores those recordings in an identifiable form for only a short period of time, and then deletes
18 the recordings entirely.¹³ Likewise, Mercedes has developed voice recognition technology that
19 allows drivers to ask their car for directions, and that offers substantial functionality even when
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22 ¹⁰ *Id.*

23 ¹¹ *Alexa and Alexa Device FAQs*, Amazon,
24 <https://www.amazon.com/gp/help/customer/display.html?nodeId=201602230> (last visited July 5, 2019).

25 ¹² Lisa Eadicicco, *Amazon Workers Reportedly Listen to What You Tell Alexa – Here's How Apple and Google*
26 *Handle What You Say to Their Voice Assistants*, Business Insider (Apr. 15, 2019, 10:39 a.m. EST),
<https://www.businessinsider.com/how-amazon-apple-google-handle-alexa-siri-voice-data-2019-4> (last visited July
27 5, 2019).

28 ¹³ *Id.*

1 the vehicle lacks an Internet connection (and, therefore, the vehicle cannot transmit a
2 recording).¹⁴

3 34. Amazon has strong commercial incentives to collect as many Alexa recordings as
4 possible. From the outset, Amazon has been a company built on the relentless acquisition of
5 consumer behavioral data, whether through its ubiquitous AWS offerings, its ever-expanding
6 online storefront, its entertainment platforms, and now the Alexa Devices it uses as its ears in
7 every home.

8 35. The collection of Alexa Device recordings is a natural extension of Amazon's
9 *modus operandi*: collect as much consumer data as possible through any means possible,
10 streamline the process so that consumers cannot or will not stop the collection, and use
11 Amazon's massive size to leverage that data more effectively than any of its competitors.

12 36. Simply put, the more data Amazon collects, the more use it has for each
13 incremental data point in its possession.

14 37. Amazon's decision to make Alexa integration available to third-party product
15 manufacturers at no cost is entirely consistent with this scheme. While Amazon might have
16 charged some companies a licensing fee for Alexa integration (which its partners would then be
17 able to pass on to consumers who value the extra functionality), it offers that integration free of
18 charge in order to facilitate the rapid adoption of Alexa Devices, the ubiquitous use of Alexa,
19 and the resulting widespread collection of voice-recordings of millions of people.

20 ***Alexa Devices Record Children Without Their Consent***

21 38. Alexa Devices respond to any individual who says the wake word. Alexa
22 Devices thus record communications involving individuals who did not purchase the device or
23 install the Alexa App.

24 39. But Alexa has the ability to identify different users based on their voiceprint.
25 Through this functionality, Alexa could determine whether or not the person speaking to it has

26 ¹⁴ Matt Robinson, *In-Car Voice Control Still Isn't Perfect, But I'm Warming To It*, Car Throttle (March 2019),
27 <https://www.carthrottle.com/post/in-car-voice-control-still-isnt-perfect-but-im-warming-to-it/> (last visited July 5,
28 2019).

1 previously registered as a user and agreed to be recorded. When Alexa detects that a user has
2 not agreed to be recorded, it could inform the user that Amazon will make and keep persistent
3 recordings of the user's voice as a condition of use. Alexa could ask the new user to agree to
4 that recording. Or it could deactivate Amazon's permanent recording functionality for such
5 users. But Alexa does not do this.

6 40. At no point does Amazon warn unregistered users that it is creating persistent
7 voice recordings of their Alexa interactions, let alone obtain their consent to do so.

8 41. When children say a wake word to an Alexa Device, the device records and
9 transmits the children's communications in the same manner that it handles adults'
10 communications. Neither the children nor their parents have consented to the children's
11 interactions being permanently recorded.

12 ***Facts Specific to Plaintiffs B.F. and A.A. (Florida)***

13 42. Plaintiffs B.F. and A.A., and their parent Joey Fields, are citizens of the State of
14 Florida. Plaintiffs are seven and fifteen years old.

15 43. B.F. and A.A.'s home contained an Amazon Echo from April 2017 to the present
16 and an Amazon Echo Dot from June 2017 to the present.

17 44. B.F. and A.A. did not purchase or set up the Alexa Devices, nor did they
18 download the Alexa App.

19 45. Although B.F. and A.A. were not registered Alexa users, they directly interacted
20 with an Alexa Device on several occasions. For instance, they regularly used it to play music,
21 tell jokes, and play games. On those occasions, Amazon recorded B.F.'s and A.A.'s
22 communications and stored those recordings on its servers.

23 46. B.F. and A.A. were unaware that when they spoke a wake word, an Alexa Device
24 would record and store the ensuing private communications.

25 47. Because B.F. and A.A. were not registered Alexa users, they never agreed to
26 allow their communications to be recorded. B.F. and A.A.'s guardian likewise never agreed to
27

1 allow Amazon to record B.F.'s and A.A.'s communications. Amazon recorded B.F.'s and
2 A.A.'s private communications without their consent, and without the consent of their guardian.

3 ***Facts Specific to Plaintiffs W.B., A.L., K.S., and A.S. (Florida)***

4 48. Plaintiffs W.B., A.L., K.S., and A.S., and their guardian Mistie Burris, are
5 citizens of the State of Florida. Plaintiffs are three, ten, fourteen, and seventeen years old.

6 49. W.B., A.L., K.S., and A.S.'s home contains two Amazon Fire Sticks, which were
7 purchased in June 2017 and May 2018; four Amazon Fire Tablets, two of which were purchased
8 in November 2015 and two of which were purchased in July 2016; and four Amazon Echo Dots,
9 one purchased in November 2017, two purchased in July 2018, and one purchased in November
10 2018.

11 50. W.B., A.L., K.S., and A.S. did not purchase or set up the Alexa Devices, nor did
12 they download the Alexa App.

13 51. Although W.B., A.L., K.S., and A.S. were not registered Alexa users, they
14 directly interacted with the Alexa Devices on various occasions. For instance, W.B., A.L., K.S.,
15 and A.S. use the Alexa Devices to control their TV, play music, answer questions and trivia, and
16 play games. On those occasions, Amazon recorded W.B.'s, A.L.'s, K.S.'s, and A.S.'s
17 communications and stored those recordings on its servers.

18 52. W.B., A.L., K.S., and A.S. were unaware that when they spoke a wake word, an
19 Alexa Device would record and store the ensuing private communications.

20 53. Because W.B., A.L., K.S., and A.S. were not registered Alexa users, they never
21 agreed to allow their communications to be recorded. W.B., A.L., K.S., and A.S.'s guardian
22 likewise never agreed to allow Amazon to record W.B.'s, A.L.'s, K.S.'s, and A.S.'s
23 communications. Amazon recorded W.B.'s, A.L.'s, K.S.'s, and A.S.'s private communications
24 without their consent, and without the consent of their guardian.

25 ***Facts Specific to Plaintiff C.L. (Illinois)***

26 54. Plaintiff C.L. and her parent Melissa Lock are citizens of the State of Illinois.
27 Plaintiff C.L. is ten years old.

1 55. C.L.'s home contained an Amazon Echo Dot from December 2016 to the present.

2 56. C.L. did not purchase or set up the Alexa Device, nor did she download the Alexa
3 App.

4 57. Although C.L. was not a registered Alexa user, she directly interacted with an
5 Alexa Device on several occasions. For instance, she regularly used it to find information, play
6 music, and tell jokes. On those occasions, Amazon recorded C.L.'s communications and stored
7 those recordings on its servers.

8 58. C.L. was unaware that when she spoke a wake word, an Alexa Device would
9 record and store the ensuing private communications.

10 59. Because C.L. was not a registered Alexa user, she never agreed to allow her
11 communications to be recorded. C.L.'s guardian likewise never agreed to allow Amazon to
12 record C.L.'s communications. Amazon recorded C.L.'s private communications without her
13 consent, and without the consent of her guardian.

14 ***Facts Specific to Plaintiffs J.B. and L.B. (Maryland)***

15 60. Plaintiffs J.B. and L.B., and their parent Doug Boswell, are citizens of the State
16 of Maryland. Plaintiffs are six and eight years old.

17 61. J.B. and L.B.'s home contained an Amazon Echo since 2015, an Amazon Echo
18 Dot since 2017, and two Amazon Fire Sticks from 2018 to the present.

19 62. J.B. and L.B. did not purchase or set up the Alexa Devices, nor did they
20 download the Alexa App.

21 63. Although J.B. and L.B. were not registered Alexa users, they directly interacted
22 with an Alexa Device on several occasions. For instance, they have regularly used the Amazon
23 Echo and Amazon Echo Dot to play music, tell jokes, and answer trivia questions, and they
24 have, on occasion, used the Alexa Fire Sticks to control the television. On those occasions,
25 Amazon recorded J.B.'s and L.B.'s communications and stored those recordings on its servers.

26 64. J.B. and L.B. were unaware that when they spoke a wake word, an Alexa Device
27 would record and store the ensuing private communications.

1 65. Because J.B. and L.B. were not registered Alexa users, they never agreed to allow
2 their communications to be recorded. J.B. and L.B.'s guardian likewise never agreed to allow
3 Amazon to record J.B.'s and L.B.'s communications. Amazon recorded J.B.'s and L.B.'s
4 private communications without their consent, and without the consent of their guardian.

5 ***Facts Specific to Plaintiff C.O. (Massachusetts)***

6 66. Plaintiff C.O. and her parent Alison Hall-O'Neil are citizens of the
7 Commonwealth of Massachusetts. Plaintiff is ten years old.

8 67. C.O.'s home contained an Amazon Echo Dot from August 2018 to the present.

9 68. C.O. did not purchase or set up the Echo Dot, nor did she download the Alexa
10 App.

11 69. Although C.O. was not a registered Alexa user, she directly interacted with an
12 Alexa Device on several occasions. For instance, she regularly used it to play music, tell jokes,
13 and answer questions. On those occasions, Amazon recorded C.O.'s communications and stored
14 those recordings on its servers.

15 70. C.O. was unaware that when she spoke a wake word, an Alexa Device would
16 record and store the ensuing private communications.

17 71. Because C.O. was not a registered Alexa user, she never agreed to allow her
18 communications to be recorded. C.O.'s guardian likewise never agreed to allow Amazon to
19 record C.O.'s communications. Amazon recorded C.O.'s private communications without her
20 consent, and without the consent of her guardian.

21 ***Facts Specific to Plaintiffs W.R. and L.R. (Massachusetts)***

22 72. Plaintiffs W.R. and L.R., and their parent William Rowe, are citizens of the
23 Commonwealth of Massachusetts. Plaintiffs are eleven and nine years old.

24 73. W.R. and L.R.'s home contains two Amazon Echo Dots, which were purchased
25 in December 2016 and November 2017; two Amazon Kindle Fires, which were purchased in
26 December 2017 and December 2018; an Amazon Echo; and an Amazon Fire Stick.

1 74. W.R. and L.R. did not purchase or set up the Alexa Devices, nor did they
2 download the Alexa App.

3 75. Although W.R. and L.R. were not registered Alexa users, they directly interacted
4 with the Alexa Devices on several occasions. For instance, they use Alexa to play music, answer
5 questions, and set timers. On those occasions, Amazon recorded W.R.'s and L.R.'s
6 communications and stored those recordings on its servers.

7 76. W.R. and L.R. were unaware that when they spoke a wake word, an Alexa
8 Device would record and store the ensuing private communications.

9 77. Because W.R. and L.R. were not registered Alexa users, they never agreed to
10 allow their communications to be recorded. W.R. and L.R.'s guardian likewise never agreed to
11 allow Amazon to record W.R.'s and L.R.'s communications. Amazon recorded W.R.'s and
12 L.R.'s private communications without their consent, and without the consent of their guardian.

13 ***Facts Specific to Plaintiff E.J. (Michigan)***

14 78. Plaintiff E.J. and her parent Corey Woodhouse are citizens of the State of
15 Michigan. Plaintiff is eight years old.

16 79. E.J.'s home contained an Amazon Echo from June 2, 2019 to the present.

17 80. E.J. did not purchase or set up the Alexa Device, nor did she download the Alexa
18 App.

19 81. Although E.J. was not a registered Alexa user, she directly interacted with an
20 Alexa Device on several occasions. For instance, she used it primarily to play music and check
21 the weather. On those occasions, Amazon recorded E.J.'s communications and stored those
22 recordings on its servers.

23 82. E.J. was unaware that when she spoke a wake word, an Alexa Device would
24 record and store the ensuing private communications.

25 83. Because E.J. was not a registered Alexa user, she never agreed to allow her
26 communications to be recorded. E.J.'s guardian likewise never agreed to allow Amazon to
27
28

1 record E.J.'s communications. Amazon recorded E.J.'s private communications without her
2 consent, and without the consent of her guardian.

3 ***Facts Specific to Plaintiff S.M. and C.M. (Michigan)***

4 84. Plaintiffs S.M. and C.M., and their parent Matt McLaughlin, are citizens of the
5 State of Michigan. Plaintiffs are eleven and thirteen years old.

6 85. S.M. and C.M.'s home contains an Amazon Echo, which was purchased in March
7 2019.

8 86. S.M. and C.M. did not purchase or set up the Alexa Device, nor did they
9 download the Alexa App.

10 87. Although S.M. and C.M. were not registered Alexa users, they directly interacted
11 with the Alexa Device on several occasions. For instance, they used it primarily to play music
12 and check the weather. On those occasions, Amazon recorded S.M.'s and C.M.'s
13 communications and stored those recordings on its servers.

14 88. S.M. and C.M. were unaware that when they spoke a wake word, an Alexa
15 Device would record and store the ensuing private communications.

16 89. Because S.M. and C.M. were not registered Alexa users, they never agreed to
17 allow their communications to be recorded. S.M. and C.M.'s guardian likewise never agreed to
18 allow Amazon to record S.M.'s and C.M.'s communications. Amazon recorded S.M.'s and
19 C.M.'s private communications without their consent, and without the consent of their guardian.

20 ***Facts Specific to Plaintiff Z.S. (Michigan)***

21 90. Plaintiff Z.S., and his parent Stephanie Starling, are citizens of the State of
22 Michigan. Plaintiff Z.S. is ten years old.

23 91. Z.S.'s home contains two Amazon Echo Dots, which were purchased in Spring
24 2018 and February 2019.

25 92. Z.S. did not purchase or set up the Echo Dots, nor did he download the Alexa
26 App.

1 93. Although Z.S. was not a registered Alexa user, he directly interacted with an
2 Alexa Device on several occasions. For instance, Z.S. used the Echo Dots to check the weather,
3 tell jokes, and play games. On those occasions, Amazon recorded Z.S.'s communications and
4 stored those recordings on its servers.

5 94. Z.S. was unaware that when he spoke a wake word, an Alexa Device would
6 record and store the ensuing private communications.

7 95. Because Z.S. was not a registered Alexa user, he never agreed to allow his
8 communications to be recorded. Z.S.'s guardian likewise never agreed to allow Amazon to
9 record Z.S.'s communications. Amazon recorded Z.S.'s private communications without his
10 consent, and without the consent of his guardian.

11 ***Facts Specific to Plaintiffs O.B., S.B., F.B., and E.B. (New Hampshire)***

12 96. Plaintiffs O.B., S.B., F.B., and E.B., and their parent Maria Prunier-Brown, are
13 citizens of the State of New Hampshire. Plaintiffs are eleven, thirteen, fourteen, and sixteen
14 years old.

15 97. O.B., S.B., F.B., and E.B.'s home contained an Amazon Echo Dot from
16 December 2018 to the present.

17 98. O.B., S.B., F.B., and E.B. did not purchase or set up the Alexa Devices, nor did
18 they download the Alexa App.

19 99. Although O.B., S.B., F.B., and E.B. were not registered Alexa users, they directly
20 interacted with an Alexa Device on several occasions. For instance, they regularly used it to
21 play music, check the weather, and help with homework. On those occasions, Amazon recorded
22 E.B.'s, F.B.'s, S.B.'s, and O.B.'s communications and stored those recordings on its servers.

23 100. O.B., S.B., F.B., and E.B. were unaware that when they spoke a wake word, an
24 Alexa Device would record and store the ensuing private communications.

25 101. Because O.B., S.B., F.B., and E.B. were not registered Alexa users, they never
26 agreed to allow her communications to be recorded. O.B., S.B., F.B., and E.B.'s guardian
27 likewise never agreed to allow Amazon to record O.B.'s, S.B.'s, F.B.'s, and E.B.'s

1 communications. Amazon recorded O.B.'s, S.B.'s, F.B.'s, and E.B.'s private communications
2 without their consent, and without the consent of their guardian.

3 ***Facts Specific to Plaintiff R.B. (Pennsylvania)***

4 102. Plaintiff R.B. and her parent Angela Brine are citizens of the Commonwealth of
5 Pennsylvania. Plaintiff R.B. is four years old.

6 103. R.B.'s home contained an Amazon Echo Dot from August 2018 to the present.

7 104. R.B. did not purchase or set up the Amazon Echo Dot, nor did she download the
8 Alexa App.

9 105. Although R.B. was not a registered Alexa user, she directly interacted with an
10 Alexa Device on several occasions. For instance, she regularly used the Echo Dot to play music
11 and answer questions. On those occasions, Amazon recorded R.B.'s communications and stored
12 those recordings on its servers.

13 106. R.B. was unaware that when she spoke a wake word, an Alexa Device would
14 record and store the ensuing private communications.

15 107. Because R.B. was not a registered Alexa user, she never agreed to allow her
16 communications to be recorded. R.B.'s guardian likewise never agreed to allow Amazon to
17 record R.B.'s communications. Amazon recorded R.B.'s private communications without her
18 consent, and without the consent of her guardian.

19 ***Facts Specific to Plaintiff N.S. (Washington)***

20 108. Plaintiff N.S. and his parent Erin Shunn are citizens of the State of Washington.
21 Plaintiff is fourteen years old.

22 109. N.S.'s home has contained an Amazon Echo Dot since June 2018.

23 110. N.S. did not purchase or set up the Amazon Echo Dot, nor did he download the
24 Alexa App.

25 111. Although N.S. was not a registered Alexa user, he directly interacted with an
26 Alexa Device on several occasions. For instance, he regularly used it to ask it the weather and
27

1 for help with math questions. On those occasions, Amazon recorded N.S.'s communications and
2 stored those recordings on its servers.

3 112. N.S. was unaware that when he spoke a wake word, an Alexa Device would
4 record and store the ensuing private communications.

5 113. Because N.S. was not a registered Alexa user, he never agreed to allow his
6 communications to be recorded. N.S.'s guardian likewise never agreed to allow Amazon to
7 record N.S.'s communications. Amazon recorded N.S.'s private communications without his
8 consent, and without the consent of his guardian.

9 CLASS ACTION ALLEGATIONS

10 114. Plaintiffs B.F. and A.A., by and through their guardian Joey Fields, and Plaintiffs
11 W.B., A.L., K.S., and A.S., by and through their guardian Mistie Burris, bring this action
12 pursuant to Federal Rule of Civil Procedure 23(b)(3) individually and on behalf of the following
13 class of similarly situated individuals:

14 **Florida Class:** All individuals in the State of Florida who used
15 Alexa on a household Alexa Device while they were minors, but
16 who have not downloaded and installed the Alexa App.

17 115. Plaintiff C.L., by and through her guardian Melissa Lock, brings this action
18 pursuant to Federal Rule of Civil Procedure 23(b)(3) individually and on behalf of the following
19 class of similarly situated individuals:

20 **Illinois Class:** All individuals in the State of Illinois who used
21 Alexa on a household Alexa Device while they were minors, but
22 who have not downloaded and installed the Alexa App.

23 116. Plaintiffs J.B. and L.B., by and through their guardian Doug Boswell, bring this
24 action pursuant to Federal Rule of Civil Procedure 23(b)(3) individually and on behalf of a Class
25 of the following class of similarly situated individuals:

26 **Maryland Class:** All individuals in the State of Maryland who
27 used Alexa on a household Alexa Device while they were minors,
28 but who have not downloaded and installed the Alexa App.

1 117. Plaintiff C.O., by and through her guardian Alison Hall-O'Neil, and Plaintiffs
2 W.R. and L.R., by and through their guardian William Rowe, bring this action pursuant to
3 Federal Rule of Civil Procedure 23(b)(3) individually and on behalf of the following Class of
4 similarly situated individuals:

5 **Massachusetts Class:** All individuals in the Commonwealth of
6 Massachusetts who used Alexa on a household Alexa Device
7 while they were minors, but who have not downloaded and
8 installed the Alexa App.

9 118. Plaintiff E.J., by and through her guardian Corey Woodhouse; Plaintiffs S.M. and
10 C.M., by and through their guardian Matt McLaughlin; and Plaintiff Z.S., by and through his
11 guardian Stephanie Starling, bring this action pursuant to Federal Rule of Civil Procedure
12 23(b)(3) individually and on behalf of the following class of similarly situated individuals:

13 **Michigan Class:** All individuals in the State of Michigan who
14 used Alexa on a household Alexa Device while they were minors,
15 but who have not downloaded and installed the Alexa App.

16 119. Plaintiffs E.B., F.B., S.B., and O.B, by and through their guardian Maria Prunier-
17 Brown, bring this action pursuant to Federal Rule of Civil Procedure 23(b)(3) individually and
18 on behalf of the following class of similarly situated individuals:

19 **New Hampshire Class:** All individuals in the State of New
20 Hampshire who used Alexa on a household Alexa Device while
21 they were minors, but who have not downloaded and installed the
22 Alexa App.

23 120. Plaintiff R.B., by and through her guardian Angela Brine, brings this action
24 pursuant to Federal Rule of Civil Procedure 23(b)(3) individually and on behalf of the following
25 class of similarly situated individuals:

26 **Pennsylvania Class:** All individuals in the Commonwealth of
27 Pennsylvania who used Alexa on a household Alexa Device while
28 they were minors, but who have not downloaded and installed the
Alexa App.

1 121. Plaintiff N.S., by and through his guardian Erin Shunn, brings this action
2 pursuant to Federal Rule of Civil Procedure 23(b)(3) individually and on behalf of the following
3 class of similarly situated individuals:

4 **Washington Class:** All individuals in the State of Washington
5 whose communications who used Alexa on a household Alexa
6 Device while they were minors, but who have not downloaded and
installed the Alexa App.

7 122. Excluded from each Class are: (1) any Judge or Magistrate presiding over this
8 action and any members of their families; (2) Defendants, Defendants' subsidiaries, parents,
9 successors, predecessors, and any entity in which Defendants or their parents have a controlling
10 interest and their current or former employees, officers, and directors; (3) persons who properly
11 execute and file a timely request for exclusion from the Classes; (4) persons whose claims in this
12 matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiffs' counsel
13 and Defendants' counsel; and (6) the legal representatives, successors, and assigns of any such
14 excluded persons.

15 123. **Numerosity:** The exact number of members of the Classes is unknown and
16 unavailable to Plaintiff at this time, but individual joinder in this case is impracticable. The
17 Classes likely consist of thousands of individuals, and their members can be identified through
18 Defendants' records.

19 124. **Predominant Common Questions:** The Classes' claims present common
20 questions of law and fact, and those questions predominate over any questions that may affect
21 individual members of the Classes. Common questions for the Classes include, but are not
22 limited to, the following:

- 23 a. Whether Alexa Devices make permanent voice recordings of children who
24 interact with them.
- 25 b. Whether children who use Alexa Devices in their home have an objectively
26 reasonable expectation of confidentiality.
- 27
- 28

c. Whether Amazon fails to obtain consent to record children who are not registered users of Alexa Devices.

125. **Typicality:** Plaintiffs' claims are typical of the claims of the other members of the proposed Classes. Plaintiffs and members of the Classes suffered invasions of privacy as a result of Defendants' uniform wrongful conduct.

126. **Adequate Representation:** Plaintiffs have and will continue to fairly and adequately represent and protect the interests of the Classes, and they have retained counsel competent and experienced in complex litigation and class actions. Plaintiffs have no interests antagonistic to those of the Classes, and Defendants have no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to vigorously prosecuting this action on behalf of the members of the Classes, and they have the resources to do so. Neither Plaintiffs nor their counsel have any interest adverse to those of the other members of the Classes.

127. **Superiority:** This class action is appropriate for certification because class proceedings are superior to other available methods for the fair and efficient adjudication of this controversy and joinder of all members of the Classes is impracticable. This proposed class action presents fewer management difficulties than individual litigation, and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Class treatment will create economies of time, effort, and expense and promote uniform of decision-making.

128. Plaintiffs reserve the right to revise the foregoing class allegations and definitions based on facts learned and legal developments following additional investigation, discovery, or otherwise.

FIRST CAUSE OF ACTION

Violation of the Florida Wiretap Statute, Fla. Stat. § 934.03 (On Behalf of Plaintiffs B.F., A.A., W.B., A.L., K.S., A.S. and the Florida Class)

129. Plaintiffs B.F., A.A., W.B., A.L., K.S., and A.S. and the Florida Class members (collectively, the "Florida Plaintiffs") incorporate by reference the foregoing allegations as if fully set forth herein.

1 130. The Florida Plaintiffs used Alexa Devices within their families' homes.

2 131. When the Florida Plaintiffs used the Alexa Devices, Amazon created a recording
3 of their device interactions, transmitted those recording to Amazon's cloud servers, and retained
4 copies of those recordings indefinitely.

5 132. Amazon did not warn or otherwise notify the Florida Plaintiffs that it would
6 create persistent recordings of their Alexa interactions.

7 133. The Florida Plaintiffs did not expect, and had no reason to expect, that Amazon
8 would create persistent recordings of their Alexa interactions.

9 134. The Florida Plaintiffs reasonably expected that their Alexa interactions would
10 remain private.

11 135. The Florida Plaintiffs never provided Amazon with consent to record their Alexa
12 interactions, nor did Amazon even attempt to seek such consent. The Florida Plaintiffs'
13 guardians likewise never consented to Amazon recording their children's Alexa interactions.

14 136. Amazon created the recordings of the Florida Plaintiffs intentionally, as Amazon
15 has publicly admitted that Alexa Devices are programmed to record every Alexa interaction.

16 137. By creating persistent recordings of the Florida Plaintiffs' Alexa interactions,
17 Amazon intentionally intercepted and used oral communications without the consent of all
18 parties to those communications, in violation of Fla. Stat. § 934.03.

19 138. Amazon's intentional and unlawful recording violated the Florida Plaintiffs' right
20 to privacy in their confidential communications, as protected by Fla. Stat. § 934.03.

21 139. Amazon is able, and the Court should require it, to destroy the recordings of the
22 Florida Plaintiffs' interactions with Alexa Devices, and to implement functionality sufficient to
23 prevent unauthorized recordings in the future.

24 140. Amazon's intentional and unlawful recording caused the Florida Plaintiffs injury
25 to their dignity, well-being, and security.

26 141. Plaintiffs B.F., A.A., W.B., A.L., K.S., and A.S., individually and on behalf of the
27 Florida Class members, seek: (1) an injunction requiring Amazon to obtain consent prior to
28

1 recording minors' Alexa interactions and to delete those recordings already made, and to
2 implement functionality sufficient to prevent unauthorized recordings in the future; (2) damages
3 equal to \$100 per day or \$1,000, whichever is greater, under Fla. Stat. § 934.10; (3) punitive
4 damages; and (4) costs and reasonable attorneys' fees under Fla. Stat. § 934.10.

5 **SECOND CAUSE OF ACTION**
6 **Violation of the Illinois Wiretap Statute, 720 ILCS 5/14-2**
7 **(On Behalf of Plaintiffs C.L. and the Illinois Class)**

8 142. Plaintiffs C.L. and the Illinois Class members (collectively, "the Illinois
9 Plaintiffs") incorporate by reference the foregoing allegations as if fully set forth herein.

10 143. The Illinois Plaintiffs used Alexa Devices within their families' homes.

11 144. When the Illinois Plaintiffs used the Alexa Devices, Amazon created a recording
12 of their device interactions, transmitted those recording to Amazon's cloud servers, and retained
13 copies of those recordings indefinitely.

14 145. Amazon did not warn or otherwise notify the Illinois Plaintiffs that it would
15 create persistent recordings of their Alexa interactions.

16 146. The Illinois Plaintiffs did not expect, and had no reason to expect, that Amazon
17 would create persistent recordings of their Alexa interactions.

18 147. The Illinois Plaintiffs reasonably expected that their Alexa interactions would
19 remain private.

20 148. The Illinois Plaintiffs never provided Amazon with consent to record their Alexa
21 interactions, nor did Amazon even attempt to seek such consent. The Illinois Plaintiffs'
22 guardians likewise never consented to Amazon recording their children's Alexa interactions.

23 149. Amazon created the recordings of the Illinois Plaintiffs intentionally, as Amazon
24 has publicly admitted that Alexa Devices are programmed to record every Alexa interaction.

25 150. By using the Alexa Devices to create persistent recordings of the Illinois
26 Plaintiffs Alexa interactions, Amazon intentionally intercepted, recorded, transcribed and used
27 private conversations without the consent of all parties to those communications, in violation of
28 720 ILCS 5/14-2.

1 151. Amazon's intentional and unlawful recording violated the Illinois Plaintiffs' right
2 to privacy in their confidential communications, as protected by 720 ILCS 5/14-2.

3 152. Amazon is able, and the Court should require it, to destroy the recordings of the
4 Illinois Plaintiffs' interactions with Alexa Devices, and to implement functionality sufficient to
5 prevent unauthorized recordings in the future.

6 153. Amazon's intentional and unlawful recording caused the Illinois Plaintiffs injury
7 to their dignity, well-being, and security.

8 154. Plaintiff C.L., individually and on behalf of the Illinois Class members, seeks: (1)
9 an injunction requiring Amazon to obtain consent prior to recording minors' Alexa interactions
10 and to delete those recordings already made, and to implement functionality sufficient to prevent
11 unauthorized recordings in the future; (2) nominal damages under 720 ILCS 5/14-2; (3) punitive
12 damages; and (4) costs and reasonable attorneys' fees under 720 ILCS 5/14-6.

13 **THIRD CAUSE OF ACTION**

14 **Violation of the Maryland Wiretap Statute, Md. Cts. & Jud. Pro. § 10-402**
15 **(On Behalf of Plaintiffs J.B. and L.B. and the Maryland Class)**

16 155. Plaintiffs J.B., L.B., and the Maryland Class members (collectively, "the
17 Maryland Plaintiffs") incorporate by reference the foregoing allegations as if fully set forth
18 herein.

19 156. The Maryland Plaintiffs used Alexa Devices within their families' homes.

20 157. When the Maryland Plaintiffs used the Alexa Devices, Amazon created a
21 recording of their device interactions, transmitted those recording to Amazon's cloud servers,
22 and retained copies of those recordings indefinitely.

23 158. Amazon did not warn or otherwise notify The Maryland Plaintiffs members that
24 it would create persistent recordings of their Alexa interactions.

25 159. The Maryland Plaintiffs did not expect, and had no reason to expect, that Amazon
26 would create persistent recordings of their Alexa interactions.

27 160. The Maryland Plaintiffs reasonably expected that their Alexa interactions would
28 remain private.

1 161. The Maryland Plaintiffs never provided Amazon with consent to record their
2 Alexa interactions, nor did Amazon even attempt to seek such consent. The Maryland Plaintiffs'
3 guardians likewise never consented to Amazon recording their children's Alexa interactions.

4 162. Amazon created the recordings of the Maryland Plaintiffs intentionally, as
5 Amazon has publicly admitted that Alexa Devices are programmed to record every Alexa
6 interaction.

7 163. By creating persistent recordings of the Maryland Plaintiffs' Alexa interactions,
8 Amazon intentionally intercepted and used oral communications without the consent of all
9 parties to those communications, in violation of Md. Cts. & Jud. Pro. § 10-402.

10 164. Amazon's intentional and unlawful recording violated of the Maryland Plaintiffs'
11 right to privacy in their confidential communications, as protected by Md. Cts. & Jud. Pro. § 10-
12 402.

13 165. Amazon is able, and the Court should require it, to destroy the recordings of the
14 Maryland Plaintiffs' interactions with Alexa Devices, and to implement functionality sufficient
15 to prevent unauthorized recordings in the future.

16 166. Amazon's intentional and unlawful recording caused the Maryland Plaintiffs
17 injury to their dignity, well-being, and security.

18 167. Plaintiffs J.B. and L.B., individually and on behalf of the Maryland Class
19 members, seek: (1) an injunction requiring Amazon to obtain consent prior to recording minors'
20 Alexa interactions and to delete those recordings already made, and to implement functionality
21 sufficient to prevent unauthorized recordings in the future; (2) damages equal to \$100 per day or
22 \$1,000, whichever is greater, under Md. Cts. & Jud. Pro. § 10-410; (3) punitive damages; and (4)
23 costs and reasonable attorneys' fees under Md. Cts. & Jud. Pro. § 10-410.

FOURTH CAUSE OF ACTION

**Violation of the Massachusetts Wiretap Statute, Mass. Gen. Laws ch. 272, § 99
(On Behalf of Plaintiffs C.O., L.R., W.R. and the Massachusetts Class)**

168. Plaintiffs C.O., L.R., W.R., and the Massachusetts Class members (collectively “the Massachusetts Plaintiffs”) incorporate by reference the foregoing allegations as if fully set forth herein.

169. The Massachusetts Plaintiffs used Alexa Devices within their families’ homes.

170. When the Massachusetts Plaintiffs used the Alexa Devices, Amazon created a recording of their device interactions, transmitted those recording to Amazon’s cloud servers, and retained copies of those recordings indefinitely.

171. Amazon did not warn or otherwise notify the Massachusetts Plaintiffs that Amazon would create persistent recordings of their Alexa interactions.

172. The Massachusetts Plaintiffs did not expect, and had no reason to expect, that Amazon would create persistent recordings of their Alexa interactions.

173. The Massachusetts Plaintiffs reasonably expected that their Alexa interactions would remain private.

174. The Massachusetts Plaintiffs never provided Amazon with consent to record their Alexa interactions, nor did Amazon even attempt to seek such consent. The Massachusetts Plaintiffs’ guardians likewise never consented to Amazon recording their children’s Alexa interactions.

175. Amazon created the recordings of the Massachusetts Plaintiffs intentionally, as Amazon has publicly admitted that Alexa Devices are programmed to record every Alexa interaction.

176. By creating persistent recordings of the Massachusetts Plaintiffs’ Alexa interactions, Amazon willfully intercepted and used oral communications without the consent of all parties to those communications, in violation of Mass. Gen. Laws ch. 272, § 99.

1 177. Amazon's intentional and unlawful recording violated the Massachusetts
2 Plaintiffs' right to privacy in their confidential communications, as protected by Mass. Gen.
3 Laws ch. 272, § 99.

4 178. Amazon is able, and the Court should require it, to destroy the recordings of
5 violated the Massachusetts Plaintiffs' interactions with Alexa Devices, and to implement
6 functionality sufficient to prevent unauthorized recordings in the future.

7 179. Amazon's intentional and unlawful recording caused the Massachusetts Plaintiffs
8 injury to their dignity, well-being, and security.

9 180. Plaintiffs C.O., L.R., and W.R., individually and on behalf of the Massachusetts
10 Class members, seek: (1) an injunction requiring Amazon to obtain consent prior to recording
11 minors' Alexa interactions and to delete those recordings already made, and to implement
12 functionality sufficient to prevent unauthorized recordings in the future; (2) damages equal to
13 \$100 per day or \$1,000, whichever is greater, under Mass. Gen. Laws ch. 272, § 99(Q), (3)
14 punitive damages; and (4) costs and reasonable attorneys' fees under Mass. Gen. Laws ch. 272,
15 § 99(Q)

16 **FIFTH CAUSE OF ACTION**

17 **Violation of the Michigan Wiretap Statute, MCL 750.539c**
18 **(On Behalf of Plaintiffs E.J., S.M., C.M., Z.S., and the Michigan Class)**

19 181. Plaintiffs E.J., S.M., C.M., Z.S., and the Michigan Class members (collectively,
20 "the Michigan Plaintiffs") incorporate by reference the foregoing allegations as if fully set forth
21 herein.

22 182. The Michigan Plaintiffs used Alexa Devices within their families' homes.

23 183. When the Michigan Plaintiffs used the Alexa Devices, Amazon created a
24 recording of their device interactions, transmitted those recording to Amazon's cloud servers,
25 and retained copies of those recordings indefinitely.

26 184. Amazon did not warn or otherwise notify the Michigan Plaintiffs that Amazon
27 would create persistent recordings of their Alexa interactions.

1 185. The Michigan Plaintiffs did not expect, and had no reason to expect, that Amazon
2 would create persistent recordings of their Alexa interactions.

3 186. The Michigan Plaintiffs reasonably expected that their Alexa interactions would
4 remain private.

5 187. The Michigan Plaintiffs never provided Amazon with consent to record their
6 Alexa interactions, nor did Amazon even attempt to seek such consent. The Michigan Plaintiffs'
7 guardians likewise never consented to Amazon recording their children's Alexa interactions.

8 188. Amazon created the recordings of the Michigan Plaintiffs intentionally, as
9 Amazon has publicly admitted that Alexa Devices are programmed to record every Alexa
10 interaction.

11 189. By using the Alexa Devices to create persistent recordings of the Michigan
12 Plaintiffs' Alexa interactions, Amazon intentionally eavesdropped and used oral
13 communications without the consent of all parties to those communications, in violation of MCL
14 750.539c.

15 190. Amazon's intentional and unlawful recording violated the Michigan Plaintiffs'
16 right to privacy in their confidential communications, as protected by MCL 750.539c.

17 191. Amazon is able, and the Court should require it, to destroy the recordings of the
18 Michigan Plaintiffs' interactions with Alexa Devices, and to implement functionality sufficient
19 to prevent unauthorized recordings in the future.

20 192. Amazon's intentional and unlawful recording caused the Michigan Plaintiffs
21 injury to their dignity, well-being, and security.

22 193. Plaintiffs E.J., S.M., C.M., and Z.S., individually and on behalf of the Michigan
23 Class members, seek: (1) an injunction requiring Amazon to obtain consent prior to recording
24 minors' Alexa interactions and to delete those recordings already made, and to implement
25 functionality sufficient to prevent unauthorized recordings in the future; (2) nominal damages
26 under MCL 750.539c; (3) punitive damages; and (4) costs and reasonable attorneys' fees under
27 MCL 750.539c.

SIXTH CAUSE OF ACTION

**Violation of the New Hampshire Wiretap Statute, N.H. Rev. Stat. § 570-A:2
(On Behalf of Plaintiffs E.B., F.B., S.B., O.B. and the New Hampshire Class)**

194. Plaintiffs E.B., F.B., S.B., O.B., and the New Hampshire Class members (collectively, “the New Hampshire Plaintiffs”) incorporate by reference the foregoing allegations as if fully set forth herein.

195. The New Hampshire Plaintiffs used Alexa Devices within their families’ homes.

196. When the New Hampshire Plaintiffs used the Alexa Devices, Amazon created a recording of their device interactions, transmitted those recording to Amazon’s cloud servers, and retained copies of those recordings indefinitely.

197. Amazon did not warn or otherwise notify the New Hampshire Plaintiffs that it would create persistent recordings of their Alexa interactions.

198. The New Hampshire Plaintiffs did not expect, and had no reason to expect, that Amazon would create persistent recordings of their Alexa interactions.

199. The New Hampshire Plaintiffs reasonably expected that their Alexa interactions would remain private.

200. The New Hampshire Plaintiffs never provided Amazon with consent to record their Alexa interactions, nor did Amazon even attempt to seek such consent. The New Hampshire Plaintiffs’ guardians likewise never consented to Amazon recording their children’s Alexa interactions.

201. Amazon created the recordings of the New Hampshire Plaintiffs intentionally, as Amazon has publicly admitted that Alexa Devices are programmed to record every Alexa interaction.

202. By creating persistent recordings of the New Hampshire Plaintiffs’ Alexa interactions, Amazon intentionally intercepted and used oral communications without the consent of all parties to those communications, in violation of N.H. Rev. Stat. § 570-A:2.

1 212. The Pennsylvania Plaintiffs reasonably expected that their Alexa interactions
2 would remain private.

3 213. The Pennsylvania Plaintiffs never provided Amazon with consent to record their
4 Alexa interactions, nor did Amazon even attempt to seek such consent. The Pennsylvania
5 Plaintiffs' guardians likewise never consented to Amazon recording their children's Alexa
6 interactions.

7 214. Amazon created the recordings of the Pennsylvania Plaintiffs intentionally, as
8 Amazon has publicly admitted that Alexa Devices are programmed to record every Alexa
9 interaction.

10 215. By creating persistent recordings of the Pennsylvania Plaintiffs' Alexa
11 interactions, Amazon intentionally intercepted and used oral communications without the
12 consent of all parties to those communications, in violation of 18 Pa. Cons. Stat. § 5703.

13 216. Amazon's intentional and unlawful recording violated the Pennsylvania
14 Plaintiffs' right to privacy in their confidential communications, as protected by 18 Pa. Cons.
15 Stat. § 5703.

16 217. Amazon is able, and the Court should require it, to destroy the recordings of the
17 Pennsylvania Plaintiffs' interactions with Alexa Devices, and to implement functionality
18 sufficient to prevent unauthorized recordings in the future.

19 218. Amazon's intentional and unlawful recording caused the Pennsylvania Plaintiffs
20 injury to their dignity, well-being, and security.

21 219. Plaintiff R.B., individually and on behalf of the Pennsylvania Class members,
22 seeks: (1) an injunction requiring Amazon to obtain consent prior to recording minors' Alexa
23 interactions and to delete those recordings already made, and to implement functionality
24 sufficient to prevent unauthorized recordings in the future; (2) damages equal to \$100 per day or
25 \$1,000, whichever is greater, under 18 Pa. Cons. Stat. § 5725; (3) punitive damages; and (4)
26 costs and reasonable attorneys' fees under 18 Pa. Cons. Stat. § 5725.

EIGHTH CAUSE OF ACTION

**Violation of the Washington Wiretap Statute, WA Rev. Code § 9.73.030
(On Behalf of Plaintiff N.S. and the Washington Class)**

220. Plaintiff N.S. and the Washington Class members (collectively, “the Washington Plaintiffs”) incorporate by reference the foregoing allegations as if fully set forth herein.

221. The Washington Plaintiffs used Alexa Devices within their families’ homes.

222. When the Washington Plaintiffs used the Alexa Devices, Amazon created a recording of their device interactions, transmitted those recording to Amazon’s cloud servers, and retained copies of those recordings indefinitely.

223. Amazon did not warn or otherwise notify the Washington Plaintiffs that it would create persistent recordings of their Alexa interactions.

224. The Washington Plaintiffs did not expect, and had no reason to expect, that Amazon would create persistent recordings of their Alexa interactions.

225. The Washington Plaintiffs reasonably expected that their Alexa interactions would remain private.

226. The Washington Plaintiffs never provided Amazon with consent to record their Alexa interactions, nor did Amazon even attempt to seek such consent. The Washington Plaintiffs’ guardians likewise never consented to Amazon recording their children’s Alexa interactions.

227. Amazon created the recordings of the Washington Plaintiffs intentionally, as Amazon has publicly admitted that Alexa Devices are programmed to record every Alexa interaction.

228. By creating persistent recordings of the Washington Plaintiffs’ Alexa interactions, Amazon intentionally intercepted and used private oral conversations without the consent of all parties to those conversations, in violation of WA Rev. Code § 9.73.030.

229. Amazon’s intentional and unlawful recording violated the Washington Plaintiffs’ right to privacy in their confidential communications, as protected by WA Rev. Code § 9.73.030.

230. Amazon is able, and the Court should require it, to destroy the recordings of the Washington Plaintiffs' interactions with Alexa Devices, and to implement functionality sufficient to prevent unauthorized recordings in the future.

231. Amazon's intentional and unlawful recording caused the Washington Plaintiffs injury to their dignity, well-being, and security.

232. Plaintiff N.S., individually and on behalf of the Washington Class members, seeks: (1) an injunction requiring Amazon to obtain consent prior to recording minors' Alexa interactions and to delete those recordings already made, and to implement functionality sufficient to prevent unauthorized recordings in the future; (2) damages equal to \$100 per day up to \$1,000 under WA Rev. Code § 9.73.060; (3) punitive damages; and (4) costs and reasonable attorneys' fees under WA Rev. Code § 9.73.060.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and the proposed Classes, respectfully request that the Court enter an order:

A. Certifying this case as a class action on behalf of the Classes defined above, appointing Plaintiffs as representatives of the Classes, and appointing their counsel as class counsel;

B. Declaring that Amazon's actions, as set out above, violate the state privacy laws cited herein;

C. Requiring Amazon to delete all recordings of the Class members, and to implement functionality to prevent further recording of the Class members without prior consent;

D. Awarding damages, including nominal, statutory, and punitive damages where applicable, to Plaintiffs and the Classes in an amount to be determined at trial;

E. Awarding Plaintiffs and the Classes their reasonable litigation expenses and attorneys' fees;

1 F. Awarding Plaintiffs and the Classes pre- and post-judgment interest, to the extent
2 allowable;

3 G. Awarding such other further injunctive and declaratory relief as is necessary to
4 protect the interests of Plaintiffs and the Classes; and

5 H. Awarding such other and further relief as the Court deems reasonable and just.

6 **DEMAND FOR JURY TRIAL**

7 Plaintiffs demand a trial by jury for all issues so triable.

8 Respectfully submitted,

9 Dated: July 8, 2019

10 By: /s/ Andrew S. Brown
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10 *Attorneys for Plaintiff and the Putative Class*

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CERTIFICATE OF SERVICE

I hereby certify that, on July 8, 2019, I caused a true and correct copy of the foregoing to be filed in this Court's CM/ECF system, which sent notification of such filing to counsel of record.

/s/ Andrew S. Brown
Andrew S. Brown, WSBA #49093